

**APPENDIX II**

Serial No.: 09/577,551

Docket No.: 53481US009

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Office Action mailed from the U.S. Patent and Trademark Office on December 3, 2001



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,551	05/24/2000	Wayne K. Dunshee	53481USA1B 609	5353

7590 12/03/2001

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
P O Box 33427  
St Paul, MN 55133-3427

EXAMINER

NILAND, PATRICK DENNIS

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 12/03/2001

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/577,551

Applicant(s)

DUNSHEE ET AL

Examiner

Patrick D. Niland

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-45 and 49-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-45 and 49-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other.

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1. The amendment of 11/15/99 has been entered. Claims 1-10 and 46-48 are pending.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 13, 15-21, 23, 24, 25-27, 30-33, and 39-43 are rejected under 35

U.S.C. 102(b) as being anticipated by US Pat. No. 5162141 Davey et al..

Davey et al. discloses a method falling within the scope of the instant claims 11, 13, 15-21, 23, 24, 25-27, 30-33, and 39-43 at the abstract; column 3, lines 19-42 and 58-65, many of these polymers contain elastomeric properties necessarily: column 4, lines 1-68; column 5, lines 1-31; column 6, lines 50-68, in which the polyurethane primer layer of Permuthane UE-40-570 is expected to necessarily possess a molecular weight within the broad range of the instant claims in order to function properly based on viscosity (definition of viscosity average molecular weight) and physical property (polymer texts relate physical properties to molecular weight) considerations.

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5. Claims 11-45 and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5162141 Davey et al. in view of US Pat. No. 4334530 Hassell and EP 596503 Miyamoto et al..

Davey et al. discloses a method falling within the scope of the instant claims 11, 13, 15-21, 23, 24, 25-27, 30-33, and 39-43 at the abstract; column 3, lines 19-42 and 58-65, many of these polymers contain elastomeric properties necessarily: column 4, lines 1-68; column 5, lines 1-31; column 6, lines 50-68, in which the polyurethane primer layer of Permuthane UE-40-570 is expected to necessarily possess a molecular weight within the broad range of the instant claims in order to function properly based on viscosity (definition of viscosity average molecular weight) and physical property (polymer texts relate physical properties to molecular weight) considerations. It would have been obvious to one of ordinary skill in the art at the time of the instant invention to coat a bandage with an image according to the instant claims because it is known to coat bandages with images as shown by Hassell, the color of the image is only a matter of preference, and the use of the instantly claimed primers and overcoats would have been expected to give the results stated by Davey et al. and Miyamoto et al.. It is noted that primer and overcoat would have been expected to contribute to abrasion resistance because primer adheres the layer more firmly by definition making it harder to scrape off and overcoat gives another layer that must be scraped off, each necessarily requiring more energy to scrape off resulting in abrasion resistance over the ink image not containing these layers.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Niland whose telephone number is (703) 308-3510. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

pn

November 28, 2001

  
Patrick Niland  
Primary Examiner  
Art Unit 1714

<b>Notice of References Cited</b>	Application/Control No. 09/577,551	Applicant(s)/Patent Under Reexamination DUNSHEE ET AL	
	Examiner Patrick D. Niland	Art Unit 1714	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
	A	US-5162141	11-1992	Davey et al.	-	-
	B	US-4334530	06-1982	Hassell	-	-
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification	
	N	EP 596503	05-1994	EP	Miyamoto et al.	-	-
	O						
	P						
	Q						
	R						
	S						
	T						

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<b>INFORMATION DISCLOSURE STATEMENT</b>		Atty. Docket No.: 53481USA1B.009		Serial No.: 09/577,551			
		Applicant(s): Wayne K. Dunshee and Mary Lynn Brown					
		Filing Date: May 24, 2000		Group: 1714			
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initial	Document Number	Date	Name	Class	SubClass	Filing Date If Appropriate	
P/A	4,812,492	03/14/89	Eckes et al.	523	351		
	4,851,459	07/25/89	Ramalingam			10/17/88	
	4,963,188	10/16/90	Parker			09/30/88	
	4,965,126	10/23/90	Abraham et al.	428	343		
	5,173,111	12/22/92	Krishnan et al.	106	20		
	5,230,701	07/27/93	Meyer et al.	602	76		
	5,531,855	07/02/96	Heinecke et al.	156	252		
	Re. 31,887	05/14/85	Hodgson	428	355		
	5,532,058	07/02/96	Rolando et al.			08/12/93	
	5,462,768	10/31/95	Adkins et al.	427	265		
	5,494,960	02/27/96	Rolando et al.			04/07/93	
	P/A	5,656,701	08/12/97	Miyamoto et al.	525	453	
<b>FOREIGN PATENT DOCUMENTS</b>							
	Document Number	Date of Publication	Country	Class	SubClass	Translation	
						Yes	No
P/A	DE 295 18 174 U1	02/13/97	Germany				
	DE 196 39 755 C1	09/27/96	Germany				
	2073115	01/06/93	CA				
	0 255 078 A2	02/03/88	EP				X
	0360212	03/28/90	EP				
P/A	0522420	01/13/93	EP				
	0596503	05/11/94	EP				
	93/03103	02/18/93	WO				
<b>OTHER DOCUMENTS (Including Authors, Title, Date, Pertinent Papers, etc.)</b>							
<b>EXAMINER</b> P/A			<b>Date Considered</b> 11/24/01				

\* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Based on Form PTO-FB-A820  
(Also form PTO-1449)

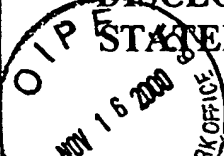
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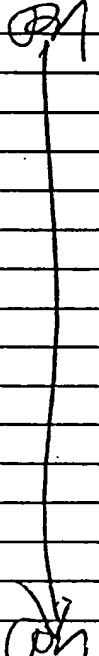

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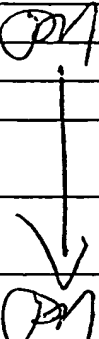

OMB No. 0651-0011

<b>INFORMATION DISCLOSURE STATEMENT</b> 	Atty. Docket No.: 53481USA1B.009	Serial No.: 09/577,551
	Applicant(s): Wayne K. Dunshee and Mary Lynn Brown	
	Filing Date: May 24, 2000	Group: 1714

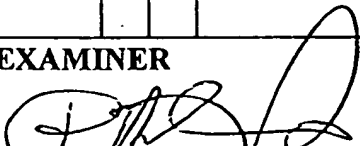
## U.S. PATENT DOCUMENTS

Examiner's Initial	Document Number	Date	Name	Class	SubClass	Filing Date If Appropriate
	2,532,011	11/28/50	Dahlquist et al.	154	53.5	
	2,607,711	08/19/52	Hendricks	117	122	
	3,011,988	12/05/61	Luedke et al.	260	29.6	
	3,318,852	05/09/67	Dixon	260	78.5	
	3,645,835	02/29/72	Hodgson	161	146	
	3,694,241	09/26/72	Guthrie et al.			04/19/71
	3,728,298	04/17/73	G. Hartmann	260	31.4	
	4,147,679	04/03/79	Scriven et al.	260	29.2	
	4,156,067	05/22/79	Gould	528	73	
	4,231,911	11/04/80	Santiago			04/25/71
	4,301,053	11/17/81	Wolfrey	260	29.9	
	4,337,183	06/29/82	Santiago	524	446	
	4,433,095	02/21/84	Hombach et al.	524	563	
	4,540,633	09/10/85	Kucera et al.	428	423.1	
	4,612,052	09/16/86	Schwartz			01/23/85
	4,663,377	05/05/87	Hombach et al.	524	196	
	4,704,163	11/03/87	Baratto et al.	106	20	

## FOREIGN PATENT DOCUMENTS

	Document Number	Date of Publication	Country	Class	SubClass	Translation	
						Yes	No
	0 358 712 B1	04/13/94	EP				
	WO 88/08787	11/17/88	PCT				
	2 042 976 A	10/01/80	UK				
	2 440 588	05/30/80	FR (and English Abstract)				
	49-133467	12/21/74	JP (and English Abstract)				
	2 544 982 A	11/02/84	FR (and English Abstract)				

## OTHER DOCUMENTS (Including Authors, Title, Date, Pertinent Papers, etc.)

EXAMINER 	Date Considered 11/28/01
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\* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.